

MONDAY, MARCH 22, 1982

EIGHTY-THIRD LEGISLATIVE DAY

The House met at 4:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Brother Ed Alexander, Grace Baptist Church, Springfield, Tennessee.

Representative Davidson led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 536, 1368, 1687, 1801, 1815, 1891, 2001, 2215, 2219, 2240 and 2251; and House Resolution No. 116; and

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**SIGNED**

The Speaker announced that he had signed the following: House Bills Nos. 536, 1368, 1687, 1801, 1815, 1891, 2001, 2215, 2219, 2240 and 2251; and House Resolution No. 116.

**STATEMENT REGARDING HOUSE BILL NO. 1457**

I am opposed to the proposed 50% increase in legislative pensions. Last Thursday, I was out of the House chamber when the vote came up to concur in the Senate amendment by Hamilton to increase pensions. My button was pushed as voting Aye. I did not vote and had I been present, I would have voted against this unwarranted increase.

REP. JIM HUDSON

Mr. Rhinehart moved that the rules be suspended for the purpose of considering House Bill No. 1457 out of order, which motion prevailed.

**FURTHER CONSIDERATION OF HOUSE BILL NO. 1457**

House Bill No. 1457--To regulate retirement and Social Security benefits, public employees.

Mr. Rhinehart moved that the House reconsider its action in concurring in Senate Amendment No. 2 to House Bill No. 1457, which motion prevailed.

Mr. Rhinehart requested a division of the question on Amendment No. 2.

**DIVISION I**

**SENATE AMENDMENT NO. 2**

Amend House Bill No. 1457 by inserting a new section to read as follows and by renumbering the remaining sections accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 8-36-209(b) is amended by adding a new subsection after Subsection 8-36-209(b)(2) to read as follows:

- (3) Effective November 2, 1982, the minimum allowance provided by this Subsection (b) shall not be less than three hundred sixty dollars (\$360.00) multiplied by the number of years of creditable service. In addition,

the provisions of Tennessee Code Annotated, Section 8-36-702 shall not apply to the benefit provided under this Subsection (b)(3).

**DIVISION 2**

**AMENDMENT NO. 2 TO AMENDMENT NO. 2**

Amend Amendment No. 2 by adding a new sentence to read as follows: "The increase in retirement benefits shall not apply to any past or present member."

Mr. Rhinehart moved that the House concur in Division No. 1 of Amendment No. 2.

Mr. Martin moved that the motion be tabled, which motion failed by the following vote:

Ayes . . . . .	39
Noes . . . . .	41
Present and not voting . . . . .	2

Representatives voting aye were: Baker, Bragg, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Davis (Gibson), Davis (Pickett), Ford, Frenslley, Gaia, Gill, Henry (Roane), Hudson, Huskey, Kelley, Kent, Kernell, Lashlee, McNally, Martin, Miller, Montgomery, Moore, Naifeh, Phillips, Robinson (Washington), Severance, Sir, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Wallace, Wolfe and Wood--39.

Representatives voting no were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Carter, Cobb, Covington, Crain, Davidson, Davis (Hamilton), DePriest, Disspayne, Duer, Ellis, Harrill, Henry (Blount), Hillis, Hurley, Jared, Johnson, King (Washington), Love, McAfee, McKinney, Murphy (Davidson), Murray, Percy, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shirley, Shockley, Ussery, Webb, Whitson, Wix and Yelton--41.

Representatives present and not voting were: Dills and Owen--2.

Thereupon, the motion to concur in Division No. 1 of Senate Amendment No. 2 failed by the following vote:

Ayes . . . . .	35
Noes . . . . .	47
Present and not voting . . . . .	3

Representatives voting aye were: Akard, Bell (Knox), Bewley, Carter, Cobb, Covington, Davis (Hamilton), DePriest, Duer, Ellis, Harrill, Henry (Blount), Hillis, Hurley, Jared, King (Washington), Love, McAfee, McKinney, Murphy (Davidson), Murray, Pickering, Pruitt, Richardson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Shockley, Stafford, Starnes, Ussery, Webb, Wheeler, Whitson and Yelton--35.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Representatives voting no were: Baker, Bell (Wilson), Bivens, Bragg, Burnett, Chiles, Clark (Davidson), Clark (Sumner), Crain, Davidson, Davis (Gibson), Davis (Pickett), Dills, Disspayne, Ford, Frensley, Gaia, Gill, Henry (Roane), Hudson, Huskey, Kelley, Kent, Kernell, Lashlee, McNally, Martin, Miller, Montgomery, Moore, Naifeh, Phillips, Robinson (Washington), Severance, Shirley, Sir, Small, Smith, Spence, Stallings, Sterling, Tanner, Turner, Wallace, Wolfe, Wood and Mr. Speaker McWherter--47.

Representatives present and not voting were: Owen, Wix and Work--3.

Mr. Rhinehart moved that the House non-concur in Division No. 2 of Senate Amendment No. 2, which motion prevailed.

**SENATE AMENDMENT NO. 5**

Amend House Bill No. 1457 by: The beneficiaries of any benefits provided in this chapter may elect to receive an amount less than the amount eligible to receive - provided the request is in writing and irrevocable.

Mr. Rhinehart moved that the House concur in Senate Amendment No. 5, which motion prevailed by the following vote:

Ayes . . . . .	73
Noes . . . . .	14
Present and not voting . . . . .	2

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Carter, Cobb, Copeland, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Kent, King (Washington), Love, McAfee, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Spence, Stafford, Stallings, Starnes, Sterling, Ussery, Webb, Wheeler, Whitson, Wolfe, Wood, Work and Yelton--73.

Representatives voting no were: Baker, Chiles, Clark (Davidson), Clark (Sumner), Davidson, Ford, Hudson, Huskey, Kelley, Kernell, Lashlee, McNally, Tanner and Turner--14.

Representatives present and not voting were: Wallace and Wix--2.

A motion to reconsider was tabled.

Mr. Rhinehart moved that the House non-concur in Division No. 1 of Senate Amendment No. 2, which motion prevailed.

CALENDAR

On motion of Mr. Severance, House Bill No. 451 was withdrawn from the House.

Mr. Martin moved that House Bill No. 1946 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Mr. Martin moved that House Bill No. 1945 be placed on the Calendar for Monday, March 29, 1982, which motion prevailed.

House Bill No. 1923--To amend Title 2, Chapter 10, Code.

On motion, House Bill No. 1923 was made to conform with Senate Bill No. 2007.

On motion, Senate Bill No. 2007, on same subject, was substituted for House Bill No. 1923.

Mr. Naifeh moved that Senate Bill No. 2007 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter --92.

A motion to reconsider was tabled.

House Bill No. 2148--To regulate maximum length of vehicles.

Mr. Webb moved that House Bill No. 2148 be passed on third and final consideration.

Mr. Robinson (Davidson) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2148 by adding at the end of the amendatory language of Section 1, the following:

Provided, however, that any such movement authorized by this subsection shall be undertaken only after a permit has been obtained from the department of transportation for the movement of that vehicle. The manufacturer shall request a permit for the movement of each vehicle and in the request shall describe the proposed route of the vehicle from the place of manufacture to the point at which it leaves Tennessee. The route shall be from the place of manufacture to the nearest interstate, or by the shortest practical route, out of the state, considering the place of delivery of the vehicle. The request shall be submitted to the commissioner of transportation and approved by him if he finds the proposed route satisfactory. If approved, a permit shall be issued upon payment of such fee as the commissioner may set, but not more than the fee charged for over-length vehicles.

On motion, the amendment was adopted.

Thereupon, House Bill No. 2148, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	85
Noes . . . . .	6
Present and not voting . . . . .	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Frensey, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--85.

Representatives voting no were: Crain, Ford, Gaia, Hudson, Huskey and McNally--6.

Representatives present and not voting were: Buck, Martin, Owen and Turner--4.

A motion to reconsider was tabled.

Mr. Speaker McWherter relinquished the Chair to Mr. Brewer, Speaker pro tem.

Mr. Byrd asked to be recorded as voting no on House Bill No. 2148.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 2213--To enact redevelopment plans of housing authorities.

Mr. Copeland moved that House Bill No. 2213 be passed on third and final consideration.

Mr. Gill moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 2213 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

SECTION \_\_\_\_\_. The provisions of this act shall not apply in any county having a population of not less than 770,000 nor more than 780,000 according to the 1980 federal census of population or any subsequent federal census.

On motion, the amendment was adopted.

Mr. Spence moved to amend as follows:

**AMENDMENT NO. 2**

Amend House Bill No. 2213 by adding a new appropriately numbered section thereto which shall read:

"SECTION \_\_\_\_\_. The provisions of this act shall only apply in any county having a population of not less than 285,000 and not more than 290,000 according to the 1980 Federal Census of Population or any subsequent federal census of population."

Mr. Copeland moved that Amendment No. 2 be tabled, which motion prevailed.

Thereupon, House Bill No. 2213, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

(Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 2120--To amend Section 53-459, Code.

Mr. Love moved that House Bill No. 2120 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	92
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--92.

A motion to reconsider was tabled.

House Bill No. 1713--To provide for additional costs, felony and misdemeanor cases.

On motion, House Bill No. 1713 was made to conform with Senate Bill No. 1492.

On motion, Senate Bill No. 1492, on same subject, was substituted for House Bill No. 1713.

Mr. Turner moved that Senate Bill No. 1492 be passed on third and final consideration.

Mr. Turner moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill NO. 1492 in the amendatory language of Section 1 by adding a new subsection, as follows:

(e) The provisions of this section shall not apply to non-moving traffic violations.



# MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1492, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	66
Noes . . . . .	22
Present and not voting . . . . .	5

Representatives voting aye were: Akard, Baker, Bell (Knox), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Clark (Sumner), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Frensley, Gaia, Gill, Henry (Blount), Hillis, Hudson, Hurley, Jared, Johnson, Kelley, Kernell, King (Washington), Lashlee, Love, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Rhinehart, Richardson, Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Spence, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wood, Work, Yelton and Mr. Speaker McWherter--66.

Representatives voting no were: Bell (Wilson), Chiles, Copeland, Davidson, Ellis, Ford, Harrill, Henry (Roane), Huskey, Love, McKinney, Moore, Pickering, Pruitt, Robertson, Robinson (Davidson), Shirley, Stallings, Sterling, Withers, Wix and Wolfe--22.

Representatives present and not voting were: Bragg, Clark (Davidson), Dills, Kent and Stafford--5.

A motion to reconsider was tabled.

House Bill No. 1715--To regulate jurisdiction, general sessions court.

On motion, House Bill No. 1715 was made to conform with Senate Bill No. 1934.

On motion, Senate Bill No. 1934, on same subject, was substituted for House Bill No. 1715.

Mr. Turner moved that Senate Bill No. 1934 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	2
Present and not voting . . . . .	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared,

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: McKinney and Pickering--2.

Representative present and not voting was: Bragg--1.

A motion to reconsider was tabled.

Mr. Tanner moved that House Bill No. 1631 be placed on the Calendar for Monday, March 29, 1982 which motion prevailed.

House Bill No. 1714--To regulate divorce cases.

On motion, House Bill No. 1714 was made to conform with Senate Bill No. 1481.

On motion, Senate Bill No. 1481, on same subject, was substituted for House Bill No. 1714.

Mr. Turner moved that Senate Bill No. 1481 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	89
Noes . . . . .	4
Present and not voting . . . . .	3

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McNally, Martin, Miller, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--89.

Representatives voting no were: McKinney, Montgomery, Pickering and Scruggs--4.

Representatives present and not voting were: Bell (Knox), Duncan and Wix--3.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

A motion to reconsider was tabled.

House Bill No. 1926--To reorganize the Uniform Administrative Procedures Act.

On motion, House Bill No. 1926 was made to conform with Senate Bill No. 2015.

On motion, Senate Bill No. 2015, on same subject, was substituted for House Bill No. 1926.

Mr. Davis (Hamilton) moved that Senate Bill No. 2015 be passed on third and final consideration.

Mr. McKinney moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 2015 by adding the following as new, appropriately-numbered sections:

SECTION (\_\_\_). Tennessee Code Annotated, Section 4-5-102, is amended by deleting the words "or prescribes" from the first sentence of subsection (7).

SECTION (\_\_\_). Tennessee Code Annotated, Section 4-5-102, is amended by adding the following language between the first and second sentences of subsection (7):

A "Rule" shall not have the force and effect of law and shall not be binding on any person affected by it, provided, that the rule shall be effective against the agency promulgating the rule, and such agency shall be estopped from taking any action inconsistent with the rule.

Mr. Davis (Hamilton) moved that Senate Bill No. 2015 be placed first on the Calendar for Monday, March 29, 1982, which motion prevailed.

Senate Bill No. 1610--To provide reemployment after retirement, certain situations.

Mr. Tanner moved that Senate Bill No. 1610 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	51
Noes . . . . .	39
Present and not voting . . . . .	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Clark (Davidson), Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Ellis, Frensley, Hillis, Jared, Johnson, King (Washington), Lashlee,

## MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY

Love, McKinney, McNally, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Shirley, Sir, Stafford, Tanner, Ussery, Webb, Wheeler, Whitson, Withers, Wix, Work, Yelton and Mr. Speaker McWherter--51.

Representatives voting no were: Baker, Bell (Knox), Bragg, Byrd, Chiles, Clark (Sumner), Cobb, Disspayne, Duer, Duncan, Ford, Gaia, Gill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, Kernell, Miller, Montgomery, Moore, Percy, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Small, Smith, Spence, Stallings, Sterling, Turner, Wallace, Wolfe and Wood--39.

Representative present and not voting was: Harrill--1.

A motion to reconsider was tabled.

House Bill No. 2194--To make certain provisions, state library system.

On motion, House Bill No. 2194 was made to conform with Senate Bill No. 2243.

On motion, Senate Bill No. 2243, on same subject, was substituted for House Bill No. 2194.

Mr. Starnes moved that Senate Bill No. 2243 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	63
Noes . . . . .	34
Present and not voting . . . . .	1

Representatives voting aye were: Akard, Bell (Wilson), Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Clark (Davidson), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Gaia, Gill, Hillis, Jared, Johnson, Jones, Kernell, King (Washington), Lashlee, Love, McKinney, Miller, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sir, Spence, Stallings, Starnes, Tanner, Turner, Ussery, Wheeler, Withers, Wix, Wood, Work, Yelton and Mr. Speaker McWherter--63.

Representatives voting no were: Baker, Bell (Knox), Bewley, Carter, Chiles, Clark (Sumner), Copeland, Duer, Ford, Frensley, Harrill, Henry (Blount), Henry (Roane), Hudson, Hurley, Huskey, Kelley, Kent, McAfee, McNally, Martin, Montgomery, Moore, Percy, Robertson, Scruggs, Shockley, Small, Smith, Stafford, Sterling, Webb, Whitson and Wolfe--34.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Representative present and not voting was: Wallace--1.

A motion to reconsider was tabled.

Mr. Ellis moved that House Bill No. 2043 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

Senate Bill No. 2049--To regulate boundaries, Union and Knox counties.

Mr. Wheeler moved that Senate Bill No. 2049 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	83
Noes . . . . .	2
Present and not voting . . . . .	8

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Hillis, Hudson, Hurley, Huskey, Jared, Jones, Kelley, Kent, Kernell, Lashlee, Love, McKinney, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Percy, Phillips, Pickering, Rhinehart, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--83.

Representatives voting no were: King (Washington) and Scruggs--2.

Representatives present and not voting were: Bell (Knox), Cobb, Henry (Blount), Johnson, Miller, Owen, Richardson and Smith--8.

A motion to reconsider was tabled.

Mr. Percy moved that Senate Joint Resolution No. 201 be placed on the Calendar for Monday, March 29, 1982, which motion prevailed.

Mr. Murphy (Davidson) moved that Senate Bill No. 1587 be placed on the Calendar for Monday, March 29, 1982, which motion prevailed.

Mr. Speaker pro tem Brewer relinquished the Chair to Mr. Martin, Speaker pro tem.

House Bill No. 1796--To amend Title 49, Chapter 33, Code.

On motion, House Bill No. 1796 was made to conform with Senate Bill No. 1786.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

On motion, Senate Bill No. 1786, on same subject, was substituted for House Bill No. 1796.

Mr. Buck moved that Senate Bill No. 1786 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	91
Noes . . . . .	0
Present and not voting . . . . .	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--91.

Representative present and not voting was: Jones--1.

A motion to reconsider was tabled.

**CONSENT CALENDAR**

**OBJECTION**

An objection was filed to the following bill on the Consent Calendar:

Mr. Shockley objected to House Bill No. 2300.

Under the rules, House Bill No. 2300 was placed at the foot of the Calendar for Wednesday, March 24, 1982.

House Bill No. 1748--To regulate coon dog training, Lake County.

Mr. Hillis moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1748 by deleting from the amendatory language of Section 1 the words and figures "March 1 to May 15" and substituting instead the words and figures "March 1 to August 15".

On motion, the amendment was adopted.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 1300--To amend Section 54-7-104, Code.

On motion, House Bill No. 1300 was made to conform with Senate Bill No. 1366.

On motion, Senate Bill No. 1366, on same subject, was substituted for House Bill No. 1300.

House Bill No. 2072--To amend Section 54-7-104, Code.

House Bill No. 1956--To change boundary line, Hamilton and Rhea counties.

House Bill No. 2204--To establish board of commissioners, certain districts.

House Bill No. 2234--To make certain provisions, municipalities.

House Bill No. 2246--To regulate nomination of trustees, Madison County.

House Bill No. 2258--To provide for general sessions judge, Lawrence County.

House Bill No. 2259--To regulate privilege tax, Montgomery County.

House Bill No. 2264--To amend charter, Carthage.

House Bill No. 2267--To abolish Juvenile Court, Dickson County.

House Bill No. 2269--To provide that county clerk be probate clerk, Williamson County.

On motion, House Bill No. 2269 was made to conform with Senate Bill No. 2320.

On motion, Senate Bill No. 2320, on same subject, was substituted for House Bill No. 2269.

House Bill No. 2273--To regulate Severance tax, White County.

House Bill No. 2274--To regulate purchasing, Madison County.

House Bill No. 2285--To create juvenile court, Marion County.

House Bill No. 2286--To regulate civil service system, boards of education, certain counties.

House Bill No. 2287--To prohibit open beer in public places, Dickson County.

House Bill No. 2288--To create juvenile court, Sequatchie County.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 2301--To create Division II, General Sessions Court, Bradley County.

House Bill No. 2302--To amend Charter, Bristol.

Senate Bill No. 786--To regulate compensation, juvenile court judge, Hamilton County.

Mr. Robinson (Hamilton) moved to amend as follows:

**AMENDMENT NO. 1**

Amend Senate Bill No. 786 by deleting from the amendatory language of Section 1, Subsection (a), in its entirety and by substituting instead the following:

(a) Beginning September 1, 1982, the total compensation of the judge of the juvenile court of Hamilton County shall be sixty thousand dollars (\$60,000) a year. The amount of compensation established in this subsection shall be the total compensation of the judge of the juvenile court of Hamilton County, and any other supplement or adjustment previously authorized shall be null and void.

On motion, the amendment was adopted.

Mr. Robinson (Hamilton) moved to amend as follows:

**AMENDMENT NO. 2**

Amend Senate Bill No. 786 by deleting from Section 2 the date "September 1, 1981", and by substituting instead the date "September 1, 1982".

On motion, the amendment was adopted.

Senate Joint Resolution No. 239--Relative to honoring Leonard Rogers.

Senate Joint Resolution No. 240--Relative to Sympathy, L. R. Fletcher.

Senate Joint Resolution No. 241--Relative to honoring James Edgar Hammonds.

House Joint Resolution No. 378--Relative to designating May 2, 1982 as "Ramps Festival Day."

House Joint Resolution No. 382--Relative to commending Nancy Sue Crawford.

House Joint Resolution No. 383--Relative to congratulating Giles County High School girls basketball team.



**MONDAY, MARCH 22, 1982—83rd LEGISLATIVE DAY**

House Joint Resolution No. 385--Relative to congratulating Lynn Johnson.

House Joint Resolution No. 386--Relative to congratulating Carter High School football team.

House Joint Resolution No. 387--Relative to memory, James Lawrence Tarwater.

House Resolution No. 114--Relative to commending Alpha Gamma Rho Fraternity.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

House Bill No. 1611--To make provisions, liability hazardous materials incidents.

On motion, House Bill No. 1611 was made to conform with Senate Bill No. 1636.

On motion, Senate Bill No. 1636, on same subject, was substituted for House Bill No. 1611.

Mr. Yelton moved that Senate Bill No. 1636 be passed on third and final consideration.

Mr. Yelton moved to amend as follows:

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

**AMENDMENT NO. 1**

Amend Senate Bill No. 1636 by deleting the following language from Section 1 (b):

"include the salaries of police, fire or other public officials or emergency service personnel who render such emergency care, assistance or advice nor shall it"

and by inserting the word "emergency" between the words "such" and "care" in the seventh line of Section 1 (b).

AND FURTHER AMEND by adding the following language to Section 2:

The provisions of this act shall not apply to police, fire or other public officials or emergency service personnel who render emergency care, assistance or advice while on duty. The provisions of this act shall not be construed to impose a level of liability upon police, fire, or other public officials or emergency service personnel greater than or in addition to the level of liability that may otherwise be provided by law.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 1636, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Mr. Davidson asked to be recorded as voting no on Senate Bill No. 1610.

Mr. Miller moved that House Bill No. 1497 be placed on the Calendar for Monday, March 29, 1982, which motion prevailed.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 1789--To require restitution, conviction, food stamp fraud.

On motion, House Bill No. 1789 was made to conform with Senate Bill No. 1602.

On motion, Senate Bill No. 1602, on same subject, was substituted for House Bill No. 1789.

Mr. Sterling moved that Senate Bill No. 1602 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	94
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--94.

A motion to reconsider was tabled.

House Bill No. 1842--To define terms, tax imposed on income from stocks and bonds.

On motion, House Bill No. 1842 was made to conform with Senate Bill No. 1791.

On motion, Senate Bill No. 1791, on same subject, was substituted for House Bill No. 1842.

Mr. Davis (Hamilton) moved that Senate Bill No. 1791 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes . . . . .	82
Noes . . . . .	10
Present and not voting . . . . .	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Burnett, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson),

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kernell, Lashlee, Love, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--82.

Representatives voting no were: Byrd, Carter, Chiles, Duer, Jones, King (Washington), McAfee, Martin, Small and Turner--10.

Representatives present and not voting were: Buck, Crain, Kent and Wix--4.

A motion to reconsider was tabled.

House Bill No. 1168--To enact Grain Warehouses and Storage Act.

Mr. DePriest moved that House Bill No. 1168 be passed on third and final consideration.

Mr. DePriest moved to amend as follows:

**AMENDMENT NO. 1**

Amend House Bill No. 1168 by deleting Sections 1 through 48 of the bill and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding a new chapter consisting of Sections 2 through 14 of this act.

SECTION 2. When used in this act, unless the context requires otherwise:

(1) "Person" includes individuals, corporations, partnerships and all associations of two (2) or more persons having a joint or common interest.

(2) "Commissioner" shall mean the commissioner of the Tennessee department of agriculture, or his designated representative.

(3) "Grain" shall mean all grains for which standards have been established pursuant to the United States Grain Standards Act, (39 Stat. 432; 7 U.S.C. Sections 71-87), as amended, and shall include rice and soy beans, as defined by the standards of the United States Department of Agriculture.

(4) "Stored grain" shall mean any grain received in any public grain warehouse, located in this state, if such grain is not purchased and beneficially owned by the public grain warehouseman.

(5) "Public grain warehouse" or "warehouse" shall mean any building, structure, or other protected enclosure in this state used for the purpose of storing grain for a consideration, but shall not include warehouses licensed under the provision of the United States Warehouse Act, (39 Stat. 486; 7 U.S.C. Sections 241-273, as amended).

(6) "Public grain warehouseman" or "warehouseman" shall mean any person who operates a public grain warehouse as herein defined.

(7) "Warehouse receipt" shall mean a licensed warehouse receipt issued under this act.

SECTION 3. Each person operating a public grain warehouse shall secure a license from the commissioner as a prerequisite to conducting the business of storing grain for other persons for compensation.

**SECTION 4.**

(a) The license required by this act shall be issued for a period of twelve (12) months from the date of application and thereafter shall be renewed annually for like periods of time so long as the public grain warehouseman complies with the provisions of this act.

(b)

(1) The application for the license shall include the name of the owner of the public grain warehouse, the name of the operator of the warehouse, the location of the warehouse, the storage capacity of the warehouse, the annual volume of storage at the warehouse over the past twelve (12) months, the type or types of grain stored in the warehouse over the past twelve (12) months, and such other pertinent information as the commissioner may require by rule and regulation.

(2) The application shall be accompanied by a surety bond and a fire and extended coverage insurance policy, or proof thereof, both of which shall be non-cancellable for the term of the license.

(A) The surety bond shall provide a reasonable level of protection for those persons storing grain in the warehouse in the event of

bankruptcy, fraud, or other default by the warehouseman which would deprive the person storing grain from recovering that grain, or a replacement for the stored grain, or its value from the warehouseman on demand or at such time as may have been agreed to by the storer of the grain and the warehouseman. This surety bond shall be in an amount equivalent to twenty cents (20¢) per bushel for the first one million bushels (1,000,000) capacity, fifteen cents (15¢) per bushel for the second one million bushels (1,000,000) capacity, and ten cents (10¢) per bushel for all over two billion bushels (2,000,000) capacity. These bonding requirements are subject to a twenty thousand dollars (\$20,000) minimum and a five hundred thousand (\$500,000) dollar maximum limit.

(B) The fire and extended coverage insurance policy shall be in an amount set by the commissioner by rule and regulation based on the storage capacity of the grain warehouse, the probable value of the grain stored therein, and the degree of risk involved.

(C) The bond and insurance policy shall be for the benefit of the persons storing grain with the warehouseman, and shall be conditioned to provide the protection herein described.

(D) The premiums on the bond or insurance shall be paid by the warehouseman.

(3) Each application, and renewal applications shall be accompanied by an income statement, a balance sheet, and a statement of changes in financial position. To obtain a license, the warehouseman must have a net worth of not less than twenty cents (20¢) per bushel of the capacity of the grain warehouse, subject to a minimum net worth of ten thousand dollars (\$10,000). The commissioner shall establish by rule and regulation the form and contents of the financial statement required herein. In establishing the validity of such information, or any other information required under this act, the commissioner shall have the right and authority to inspect records at certain intervals as provided by rule and regulation.

(4) The application shall also be accompanied by an application and processing fee of one hundred dollars (\$100.00) which shall also constitute the fee payable for the license.

(c) If the commissioner determines that a need exists, he shall have the authority to require a surety bond to protect persons storing grain in a grain warehouse from adverse consequences of trading activities by the warehouseman and from misfeasance, malfeasance, or non-feasance in marketing transactions by the warehouseman. Such additional surety bond shall be in an amount set by the commissioner by rule and regulation which shall be reasonable, but adequate to provide a similiar degree of protection as that afforded by the other surety bonds required herein.

SECTION 5. The license required in Section 4 shall be issued by the commissioner after he reviews and approves the application and accompanying bond, insurance policy and financial statements. If he does not approve the application, he shall so inform the warehouseman and advise him that he may have a right to contest this decision under the provisions of the Tennessee Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Licenses issued under this act are not transferable. Any person acquiring a new or existing public grain warehouse must apply for a license to operate such warehouse, subject to other provisions of this act.

SECTION 6. When a warehouseman receives his license, he shall display it at his public grain warehouse.

SECTION 7. All public grain warehouses licensed under the United States Warehouse Act shall file with the commissioner a copy of their current license and a copy of all subsequent licenses or renewals so as to always have a copy of a current license on file with the commissioner.

SECTION 8. The commissioner shall prescribe the form of all warehouse receipts, and no other character or form of warehouse receipt shall be issued except those so authorized.

SECTION 9. Receipts must be issued for all grain stored in a warehouse. Receipts need not be issued against nonstorage grain, but each warehouseman shall keep accurate records of the weights, kinds and grades, if graded, of all lots of non-storage grain received into and delivered from his warehouse. Whenever the purpose for which any lot of nonstorage grain was received into a warehouse is changed so that its approximate delivery period from the warehouse becomes indeterminate, receipts shall be issued to cover such grain. Records required under this section with respect to nonstorage grain shall be retained, as a part of the records of the warehouse, for a period of one (1) year after December 31 of the year in which the lot of nonstorage grain is delivered from the warehouse.

**SECTION 10.**

(a) No warehouse receipt shall be issued except upon actual delivery of grain into storage in the warehouse from which it purports to be issued, nor shall any receipt be issued for a greater quantity of grain than was contained in the lot or parcel so received for storage, nor shall more than one (1) receipt be issued for the same lot of grain, except in cases where a receipt for a part of a lot is desired, and then the aggregate receipts for a particular lot shall cover that lot and no more.

(b) No warehouseman shall issue or aid the issuance of a receipt for grain knowing that the grain for which such receipt is issued has not actually been received by such warehouseman or that the grain is not under his actual control at the time of issuing such receipt.

**SECTION 11.** Every public grain warehouseman shall keep in a place of safety complete, separate and correct records and accounts pertaining to the public grain warehouse including, but not limited to, records and accounts of gross and net worth and liabilities, records and accounts of all grain received therein and withdrawn therefrom, all unissued receipts and tickets in its possession, copies of all receipts and tickets issued by it, and the receipts and tickets returned to and cancelled by it. Such records shall be retained by the public grain warehouseman for a period of five (5) years.

**SECTION 12.** If it shall be discovered that any public grain warehouse is insolvent, or that its continuance in business will seriously jeopardize the interest of its creditors or grain depositors, it shall be the duty of the commissioner to close such warehouse, and to take charge of all the property and effects thereof, and to notify the surety. Upon taking charge of any such warehouse the commissioner shall, as soon as practicable, ascertain by a thorough examination into its affairs, its actual financial condition, and whenever the commissioner shall become satisfied that such corporation cannot resume business or liquidate its indebtedness to the satisfaction of its creditors, the commissioner shall report the fact of its insolvency to the attorney general, who shall immediately upon receipt of such notice institute proper proceedings in the proper court for the purpose of having a receiver appointed.

**SECTION 13.**

(a) If a public warehouseman is convicted of any crime involving fraud or deceit or if the commissioner determines that any public grain warehouseman has violated any of the provisions of this act, or any of the rules and regulations adopted by the commissioner pursuant to this act, the commissioner may suspend, cancel or revoke the license of such public grain warehouseman.



(b) All proceedings for the suspension, cancellation or revocation of licenses shall be before the commissioner, and the proceedings shall be in accordance with the Uniform Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

(c) In case a license issued to a public grain warehouseman expires or is suspended, revoked or cancelled by the commissioner or his designated representative, such license shall be immediately returned to the commissioner and the public grain warehouseman shall forthwith discontinue operations.

SECTION 14. Any violation of this act shall be a misdemeanor and punished under the provisions of Tennessee Code Annotated, Section 39-105, except that a violation of Section 3 of this act or a fraudulent application, including information therein, under Section 4 or a violation of Section 10 (b), shall be a felony and punished under the provisions of Tennessee Code Annotated, Section 39-104. Any license secured through fraud shall be null and void.

SECTION 15. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 16. This act shall take effect July 1, 1982, the public welfare requiring it, provided, however, for the purpose of formulating and promulgating rules and regulations, this act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 1168, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson,

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

Mr. Covington moved that Senate Bill No. 1615 be placed on the Calendar for Thursday, March 25, 1982, which motion prevailed.

**RESOLUTIONS LYING OVER**

Senate Joint Resolution No. 231--Relative to exempting food service, certain new establishments.

The Speaker referred Senate Joint Resolution No. 231 to the Committee on State and Local Government.

Senate Joint Resolution No. 246--Relative to honoring Carlton Flatt and Brentwood High School football team.

Under the rules Senate Joint Resolution No. 246 was referred to the Committee on Calendar and Rules.

Mr. Speaker Pro Tem Brewer resumed the Chair.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill No. 2243; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**SIGNED**

The Speaker announced that he had signed the following: Senate Bill No. 2243.

**ENGROSSED BILLS**

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill No. 1748; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

HOUSE JOINT RESOLUTION ON SENATE AMENDMENT

House Joint Resolution No. 314--Relative to commending Junior Achievement Program.

SENATE AMENDMENT NO. 1

Amend House Joint Resolution No. 314 by adding a new resolving clause to read as follows:

Be it further resolved that a copy of this resolution be sent to each member of the State Board of Education, Commissioner of Education Robert McElrath, and to Governor Lamar Alexander.

Be it further resolved that the State Board of Education is requested to report back to the 92nd General Assembly by September 1, 1982 on its action to effectuate the purposes of this resolution.

Mr. King (Washington) moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENT

House Bill No. 1165--To increase incentive compensation, assessors.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1165 by deleting Section 2 in its entirety and substitute instead the following:

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

**SECTION 2.** This act shall take effect July 1, 1982, the public welfare requiring it.

Mr. McKinney moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	96
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

A motion to reconsider was tabled.

**HOUSE BILL ON SENATE AMENDMENT**

House Bill No. 1573--To enact State Special School Teachers Sick Leave Bank Act.

**SENATE AMENDMENT NO. 1**

Amend House Bill No. 1573 by deleting Item G from Section 2 of the amendatory language and by deleting Section 4 on its entirety from the mandatory language and substituting instead the following:

**SECTION 4. Trustees**

The trustees of a special school sick leave bank shall consist of the Commissioner of Education or his/her designee and a member of the State Board of Education who is also a member of the Board Special Schools Committee. The Superintendent of the Special School and two members of the teaching faculty shall be elected by secret ballot by the professional employees of the school to serve for three-year terms. Any trustee may be re-elected so long as he/she serves in the classification which elected. If the State Board of Education determines to establish one sick leave bank for all the state special schools, then one teaching faculty trustee shall be elected by secret ballot by the teaching faculty of each of the state special schools. In the case of one sick leave bank for all the state special schools, the

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Commissioner of Education or his/her designee, shall serve. The initial election and selection of trustees shall be completed within thirty days of the Commissioner's authorization of the creation of a bank.

AND BY deleting the period at the end of Section 7 and adding the following, "or under the Worker's Compensation Law."

AND BY adding the following sentence to the end of SECTION 11:

"These rules shall be deemed to govern internal management of a state agency and shall not be filed under the Uniform Administrative Procedures Act."

**AMENDMENT NO. 1 TO AMENDMENT NO. 1**

Amend Amendment No. 1 by adding in the 14th line in Section 4 of the amendatory language after the words "or his/her designee: the following language:

"the superintendent of each state special school or his/her designee".

Mr. Scruggs moved that the House concur in Senate Amendment No. 1, as amended, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

Representative voting no was: Chiles--1.

A motion to reconsider was tabled.

**HOUSE BILL NO. ON SENATE AMENDMENT**

House Bill No. 1749--To define West Tennessee Tributaries Project.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1749 by deleting Section 2. f. in its entirety and by deleting the word "non-appropriated" where it appears in Section 3 and substituting in lieu thereof the word "appropriated".

Mr. Dills moved that the House concur in Senate Amendment No. 1, which motion prevailed by the following vote:

Ayes . . . . .	97
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

A motion to reconsider was tabled.

HOUSE BILL ON SENATE AMENDMENTS

House Bill No. 1812--To regulate motor vehicle tax.

SENATE AMENDMENT NO. 1

Amend House Bill No. 1812 by inserting the following language as a new section immediately preceding the final section and by appropriately renumbering such final section:

SECTION \_\_\_\_\_. Tennessee Code Annotated, Section 2-14-202, is amended by deleting subsection (c)(1) in its entirety and by substituting in lieu thereof the following:

(c)

(1) If it is necessary to hold a special election to fill a vacancy in the membership of the general assembly, and the date for such election, as established under subsection (b), falls within thirty (30) days of a regular primary or general election being held in the legislative district, or alternatively falls within thirty (30) days of a

municipal election being held in an odd-numbered year in a legislative district which is contained entirely within the boundaries of such municipality, the governor may issue the writ of election for the special election for the date which will coincide with the regular primary, general election or municipal election.

SENATE AMENDMENT NO. 2

Amend House Bill No. 1812 by adding between the first and second sentences thereof, the following:

"The procedure to be followed by an executive committee shall be the same as set forth in 2-13-204 (4)"

Mr. Naifeh moved that the House concur in Senate Amendments Nos. 1 and 2, which motion prevailed by the following vote:

Ayes . . . . .	95
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

A motion to reconsider was tabled.

Mr. Shockley moved that the rules be suspended for the purpose of considering House Bill No. 2300 out of order, which motion prevailed.

House Bill No. 2300--To regulate mobile home parks, Hamblen County.

Mr. Shockley moved that House Bill No. 2300 be passed on third and final consideration.

Mr. Shockley moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 2300 by deleting the language "two thousand five hundred dollars (\$2,500) nor more than seven thousand five hundred dollars (\$7,500)" in the amendatory language of Sections 1 and 2 and by substituting instead the language "one hundred dollars (\$100) nor more than two thousand five hundred dollars (\$2,500).

On motion, the amendment was adopted.

Thereupon, House Bill No. 2300, as amended, passed its third and final consideration by the following vote:

Ayes . . . . .	98
Noes . . . . .	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--98.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present . . . . .	97
-------------------	----

Representatives present were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir,



Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--97.

**INTRODUCTION OF RESOLUTION**

House Joint Resolution No. 392--Relative to honoring Crill Higgins--By Bivens and Webb.

Under the rules, House Joint Resolution No. 392 was referred to the Committee on Calendar and Rules.

**INTRODUCTION OF BILLS**

House Bill No. 2324--To amend Road Law, Van Buren County--By Rhinehart.

Passed first consideration.

House Bill No. 2326--To regulate Morgan County School Board--By Burnett and Henry (Roane).

Passed first consideration.

House Bill No. 2327--To make certain provisions, Morgan County School Board--By Burnett and Henry (Roane).

Passed first consideration.

House Bill No. 2328--To set salary of county executive, certain counties--By Hurley.

Passed first consideration.

House Bill No. 2329--To regulate probate jurisdiction, Greene County--By Bewley and Whitson.

Passed first consideration.

House Bill No. 2331--To provide for juvenile jurisdiction, Stewart County--By Lashlee.

Passed first consideration.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 2332--To amend charter, Lewisburg--By Sir.

Passed first consideration.

House Bill No. 2333--To provide funds, medically indigent, Obion County--By Tanner.

Passed first consideration.

House Bill No. 2334--To authorize sale, real and personal property, certain counties--By Tanner.

Passed first consideration.

House Bill No. 2335--To increase litigation tax, Lincoln County--By Sir and Murray.

Passed first consideration.

House Bill No. 2336--To provide for Board of Education, Covington--By Naifeh.

Passed first consideration.

House Bill No. 2337--To amend charter, Covington--By Naifeh.

Passed first consideration.

House Bill No. 2338--To make certain provisions, General Sessions Court, Carter County--By Percy, King (Washington) and Whitson.

Passed first consideration.

House Bill No. 2339--To amend Section 36-224, Code--By Cobb.

Passed first consideration.

House Bill No. 2340--To make certain provisions, regional planning commissions--By Bragg.

Passed first consideration.

**SENATE BILLS ON FIRST CONSIDERATION**

Senate Bill No. 1573--To amend Section 55-16-108, Code.

Passed first consideration.

Senate Bill No. 1603--To amend Section 55-5-108, Code.

Passed first consideration.

Senate Bill No. 1669--To amend Section 4-15-105, Code.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Passed first consideration.

Senate Bill No. 1691--To regulate security, public schools.

Passed first consideration.

Senate Bill No. 1787--To define historic performing arts center.

Passed first consideration.

Senate Bill No. 1959--To amend Section 67-5806, Code.

Passed first consideration.

Senate Bill No. 1996--To prohibit sale, uncertified tobacco seed.

Passed first consideration.

Senate Bill No. 2002--To vest certain authority, Board of Claims.

Passed first consideration.

Senate Bill No. 2052--To credit certain gasoline tax, wildlife resources fund.

Passed first consideration.

Senate Bill No. 2086--To amend Section 51-437, Code.

Passed first consideration.

Senate Bill No. 2134--To regulate surtax, certain banking institutions.

Passed first consideration.

Senate Bill No. 2164--To regulate disposition, dead bodies.

Passed first consideration.

Senate Bill No. 2188--To regulate foreign owned financial operations.

Passed first consideration.

Senate Bill No. 2219--To amend Title 56, Code.

Passed first consideration.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Senate Bill No. 2281--To provide sale, certain state surplus property.

Passed first consideration.

Senate Bill No. 2291--To amend Section 56-22-106, Code.

Passed first consideration.

Senate Bill No. 2300--To amend Title 33, Title 56, Code.

Passed first consideration.

Senate Bill No. 2304--To amend Title 56, Chapter 13, Code.

Passed first consideration.

**HOUSE BILLS ON SECOND CONSIDERATION**

House Bill No. 2303--To amend Chapter 116, Private Acts, 1981.

Passed second consideration and held without reference.

House Bill No. 2304--To amend Charter, Townsend.

Passed second consideration and held without reference.

House Bill No. 2305--To establish budget committee, Chester County.

Passed second consideration and held without reference.

House Bill No. 2306--To make certain provisions, Columbia.

Passed second consideration and held without reference.

House Bill No. 2307--To regulate display of campaign materials, McMinn County.

Passed second consideration and held without reference.

House Bill No. 2308--To create juvenile court, Coffee County.

Passed second consideration and held without reference.

House Bill No. 2309--To amend Charter, Trimble.

Passed second consideration and held without reference.

House Bill No. 2310--To amend Charter, Newbern.

Passed second consideration and held without reference.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 2311--To regulate training of coon dogs, Hawkins County.

Passed second consideration and held without reference.

House Bill No. 2312--To impose litigation tax, Hawkins County.

Passed second consideration and held without reference.

House Bill No. 2313--To set compensation, County Attorney, Hawkins County.

Passed second consideration and held without reference.

House Bill No. 2314--To provide for mayor, Brownsville.

Passed second consideration and held without reference.

House Bill No. 2315--To amend road law, Haywood County.

Passed second consideration and held without reference.

House Bill No. 2316--To regulate election board of education, Haywood County.

Passed second consideration and held without reference.

House Bill No. 2317--To set salary, probate judge, Monroe County.

Passed second consideration and held without reference.

House Bill No. 2318--To provide for board of education, Roane County.

Passed second consideration and held without reference.

House Bill No. 2319--To provide juvenile jurisdiction, Robertson County.

Passed second consideration and held without reference.

House Bill No. 2320--To create a juvenile court, Hawkins County.

Passed second consideration and held without reference.

House Bill No. 2321--To make certain provisions, financing of public buildings.

Passed second consideration and referred to Committee on State and Local Government.

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

House Bill No. 2322--To make certain provisions, Tullahoma.

Passed second consideration and held without reference.

House Bill No. 2323--To provide for General Sessions Judge, Roane County.

Passed second consideration and held without reference.

House Bill No. 2325--To levy privilege tax on lodgings, Blount County.

Passed second consideration and held without reference.

House Bill No. 2330--To amend Title 45, Chapter 2, Code.

Passed second consideration and referred to Committee on State and Local Government.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

2158--To regulate use of certain tires on vehicles; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Bill No.:

1457--To make certain provisions, retirement, public employees.

Senate lifted tabling motion; reconsidered passage of the bill; reconsidered action in adopting Amendment No. 2 to Senate Amendment No. 2; withdrew Amendment No. 2 to Senate Amendment No. 2; readopted Senate Amendment No. 2; then repassed the bill on third and final consideration, as amended.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**NOTICE PURSUANT TO RULE NO. 57**

Pursuant to Rule No. 57, the sponsor gave notice of his intention to consider the following measure from the Senate on Wednesday, March 24, 1982:

House Bill No. 1457--Rhinehart

## **MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

Mr. Rhinehart moved that action on Senate Bill No. 1521 be deferred until Wednesday, March 24, 1982, which motion prevailed.

### **REPORT OF COMMITTEE ON CALENDAR AND RULES**

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, March 24, 1982: House Bill No. 1882, House Joint Resolution No. 347, House Bills Nos. 2064, 1807, 1847, 2056, 2045, 1900, 1902, 1560, 2205, 2247, 1739, 2059, 1904, 1844, 2054, 2150, 1763, 1504, 1396, 2137, 2171, 1550, 1960, 678, 1762, 1575, 2203, 2206, 1836, 2138, House Joint Resolutions Nos. 345, 346, House Bills Nos. 1440 and 1658.

GILL, Chairman.

### **SPONSOR ADDED**

Without objection, the rules were suspended to allow the following member to add his name as sponsor to the bill as indicated below, the prime sponsor having agreed to such addition:

House Bill No. 2289--Kelley

### **MOTIONS**

On motion of Mr. Burnett House Bill No. 2102 was recalled from the Committee on Commerce.

On motion of Mr. Burnett, House Bill No. 2102 was referred to the Committee on State and Local Government.

On motion of Mr. Phillips, House Bill No. 1806 was recalled from the Committee on State and Local Government.

On motion of Mr. Phillips, House Bill No. 1806 was withdrawn from the House.

On motion of Mr. Lashlee, House Bill NO. 2331 was withdrawn from the House.

On motion of Mr. Bell (Wilson), House Bill No. 2076 was recalled from the Committee on Commerce.

On motion of Mr. Bell (Wilson), House Bill No. 2076 was referred to the Committee on State and Local Government.

On motion of Mr. Davis (Hamilton) House Bill No. 50 was recalled from the Committee on Government Operations.

On motion of Mr. Davis (Hamilton), House Bill No. 50 was withdrawn from the House.

**MONDAY, MARCH 22, 1982—83rd LEGISLATIVE DAY**

On motion of Mr. Davis (Hamilton) House Bill No. 839 was recalled from the Committee on Calendar and Rules.

On motion of Mr. Davis (Hamilton), House Bill No. 839 was withdrawn from the House.

On motion of Mr. Davis (Hamilton), House Bill No. 731 was recalled from the Committee on Commerce.

On motion of Mr. Davis (Hamilton), House Bill No. 731 was withdrawn from the House.

On motion of Mr. Bivens, House Bill No. 1603 was recalled from the Committee on Finance, Ways and Means.

On motion of Mr. Bivens, House Bill No. 1603 was withdrawn from the House.

On motion of Mr. Sir, House Bill No. 1461 was recalled from the Committee on Transportation.

On motion of Mr. Sir, House Bill No. 1461 was withdrawn from the House.

On motion of Mr. Hillis, House Bill No. 2145 was recalled from the Committee on Conservation and Environment.

On motion of Mr. Hillis, House Bill No. 2145 was re-referred to the Committee on Transportation.

**ENGROSSED BILLS**

**MR. SPEAKER:**

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 1168, 1956, 2072, 2120, 2148, 2204, 2213, 2234, 2246, 2258, 2259, 2264, 2267, 2273, 2274, 2285, 2286, 2287, 2288, 2300, 2301 and 2302; and House Joint Resolutions Nos. 378, 382, 383, 385, 386 and 387; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bill No.:

1614--To amend Title 55, Chapters 8 and 9, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.



**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Joint Resolution No.:

384--Relative to congratulating Smyrna High School girls basketball team; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to return to the House, House Bills Nos:

1503--To increase fee for licensure, physical therapists;

1620--To amend Titles 52 and 63, code;

1748--To regulate coon dog training;

1978--To amend Section 53-1311, Code; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**MR. SPEAKER:** I am directed to transmit to the House, Senate Bills Nos.:

959--To define scope, classified and unclassified service;

1485--To prohibit reflectorized windows, motor vehicles;

1556--To regulate assignment of school pupils;

1765--To regulate punishment, prostitution;

1766--To regulate certain educational programs, Meharry Medical College;

1770--To regulate local boards of education;

1879--To regulate Greene Valley Developmental Center Board of Trustees;

1880--To regulate Lakeshore Mental Health Institute Board of Trustees;

1881--To regulate Department of Mental Health Mental Retardation Board of Trustees;

**MONDAY, MARCH 22, 1982--83rd LEGISLATIVE DAY**

1890--To regulate Moccasin Bend Mental Health Institute Board of Trustees;

1891--To regulate Western Mental Health Institute Board of Trustees;

1892--To regulate Arlington Developmental Center Board of Trustees;

1893--To regulate Clover Bottom Developmental Center Board of Trustees;

1898--To regulate Middle Tennessee Mental Health Institute Board of Trustees;

1967--To provide specific fees authorized for sheriffs and constables;

2128--To amend Title 5, Chapter 7, Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

245--Relative to congratulating Graceland Junior High School girls basketball team;

256--Relative to congratulating Coach David Russell and Bradford High School girls basketball team; both adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 379, 389 and 390; also, House Bills Nos. 167, 388, 536, 1368, 1511, 1642, 1687, 1801, 1815, 1891, 1948, 2001, 2060, 2215, 2219, 2240 and 2251; all signed by the Speaker.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

On motion of Mr. Burnett, the House adjourned until 2:00 p.m., Wednesday, March 24, 1982.